

BILL ANALYSIS

Senate Research Center

H.B. 549
By: Johnson et al. (Whitmire)
Criminal Justice
5/20/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties observe that the number of county jails using video visitation instead of in-person visitation is increasing. The cost of video visitation can be a significant obstacle for low-income families. In addition, interested parties contend that eliminating in-person visitation has led to an increase of inmate-on-staff assaults, as evidenced in a certain county jail after in-person visitation was eliminated in that facility. H.B. 549 seeks to encourage inmate access to in-person visitations.

H.B. 549 amends current law relating to certain duties of the Commission on Jail Standards regarding visitation periods for county jail prisoners.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Commission on Jail Standards in SECTION 1 (Section 511.009, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 511.009, Government Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires the Commission on Jail Standards (CJS) to adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each.

(a-1) Provides that a county jail that as of September 1, 2015, has incurred significant design, engineering, or construction costs to provide prisoner visitation that does not comply with a rule or procedure adopted under Subsection (a)(20), or does not have the physical plant capability to provide the in-person prisoner visitation required by a rule or procedure adopted under Subsection (a)(20), is not required to comply with any CJS rule or procedure adopted under Subsection (a)(20).

(a-2) Prohibits a CJS rule or procedure adopted under Subsection (a)(20) from restricting the authority of a county jail under CJS's rules in effect on September 1, 2015, to limit prisoner visitation for disciplinary reasons.

SECTION 2. Requires CJS to establish the specific standards as required by Section 511.009(a)(20), Government Code, as added by this Act, not later than January 1, 2016.

SECTION 3. Effective date: September 1, 2015.